

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
-----X

4 TINA BRADWAY, Individually and as
5 Administratrix of the Estate of
TONY BRADWAY,

6 Plaintiff,

7 -against-

Civil Action No.
CV-09 3177

9 THE TOWN OF SOUTHAMPTON, LINDA A. KABOT,
10 and JOHN DOES 1-10 Consisting of
Individuals to be Determined,

11 Defendants.

12 -----X

13 May 27, 2010
14 11:14 a.m.

15 110 Old Riverhead Road
Hampton Bays, New York

16
17 DEPOSITION of THE TOWN OF SOUTHAMPTON,
18 a Defendant herein, by POLICE OFFICER DAVID
19 PETERS, taken by the Plaintiff, pursuant to
20 Federal Rules of Civil Procedure, and Notice,
21 held at the above-mentioned time and place,
22 before Lori Anne Curtis, a Notary Public of the
23 State of New York.

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2 A P P E A R A N C E S:
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4

5 RUSKIN, MOSCOU & FALTISCHEK, P.C.
6 Attorneys for Plaintiff
7 1425 RXR Plaza
8 Uniondale, New York 11556
9 BY: THOMAS TELESCA, ESQ.

10 DEVITT SPELLMAN BARRETT, LLP
11 Attorneys for Defendants
12 50 Route 111
13 Smithtown, New York 11787
14 BY: JELTJE DEJONG, ESQ.

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2
3 FEDERAL STIPULATIONS
4

5 IT IS HEREBY STIPULATED AND AGREED by
6 and between the parties hereto, through their
7 respective counsel, that the certification,
8 sealing and filing of the within examination
9 will be and the same are hereby waived;

10 IT IS FURTHER STIPULATED AND AGREED
11 that all objections, except as to the form of
12 the question, will be reserved to the time of
13 the trial;

14 IT IS FURTHER STIPULATED AND AGREED that
15 the within examination may be signed before any
16 Notary Public with the same force and effect as
17 if signed and sworn to before this Court.

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1
2 D A V I D P E T E R S , the Witness herein,
3 having been first duly sworn by a Notary
4 Public in and of the State of New York,
5 was examined and testified as follows:

6 EXAMINATION BY

7 MR. TELESCA:

8 Q Would you please state your full
9 name for the record.

10 A David Peters.

11 Q What is your current business
12 address?

13 A 110 Old Riverhead Road, Hampton
14 Bays, New York 11946.

15 MR. TELESCA: Officer
16 Peters, we met informally. My
17 name is Tom Telesca. I'm an
18 attorney. I represent Tina
19 Bradway, who has brought a lawsuit
20 against the Town of Southampton
21 and certain police officers
22 arising from the arrest and the
23 death of her son, Tony Bradway.

24 We're here today for your
25 deposition.

1 PO D. Peters

2 Q Have you ever been deposed before?

3 A Yes, I have.

4 Q How many times?

5 A Ten?

6 Q Okay.

7 Were those ten depositions related
8 to personal matters, work related or both?

9 A Both.

10 Q Okay.

11 How many work related, if you can
12 recall?

13 A Four maybe, a handful.

14 MR. TELESCA: So you are
15 familiar with the procedure, then,
16 today, because I'd just like to
17 cover some ground rules before we
18 begin.

19 THE WITNESS: Okay.

20 MR. TELESCA: As you can
21 see, the court reporter is taking
22 down everything that is said
23 today, so it's important that you
24 give verbal responses.

25 Okay?

1 PO D. Peters

2 THE WITNESS: Yes.

3 MR. TELESCA: It's also
4 important that you understand my
5 questions. If there's a term that
6 you don't understand or may have
7 more than one meaning, I'd ask
8 that you ask me to clarify my
9 question or the term.

10 Okay?

11 THE WITNESS: Yes.

12 MR. TELESCA: If you don't
13 know the answer, it's perfectly
14 okay to say you don't know or you
15 don't remember. If it's possible
16 that you can give a range, I'd ask
17 that you just tell us it's an
18 approximate time, for example, or
19 if it's a distance, that it's an
20 approximate distance.

21 THE WITNESS: Okay.

22 MR. TELESCA: If at any
23 time you need to take a break, let
24 us know, and we'll give you the
25 time you need.

1 PO D. Peters

2 THE WITNESS: Okay.

3 MR. TELESCA: If at any
4 time your attorney places an
5 objection on the record, I'd ask
6 that you allow her to place her
7 objection and then we'll work it
8 out before you continue your
9 testimony.

10 Okay?

11 THE WITNESS: Yes.

12 Q Okay.

13 The approximately four
14 work-related depositions, were those work as a
15 Town of Southampton police officer?

16 A No.

17 Q Okay.

18 How many of those four
19 depositions -- approximately four depositions,
20 if any, were related to your work as a Town of
21 Southampton police officer?

22 A None.

23 Q Okay.

24 Did any of those approximately
25 four work-related depositions have anything to

PO D. Peters

2 do with your work as a police officer not for
3 the Town of Southampton?

4 A Yes.

5 Q And how many of those, if you can
6 recall?

A The four work-related ones

8 Q Okay, so they were all related to
9 police work?

10 A Correct

11 Q But not for the Town of
12 Southampton

13 A NO

14 | O For which jurisdiction?

15 A New York City Police Department

16 Q And did any of those four cases
17 involve allegations of the use of excessive
18 force?

19 A NO

20 Q Did any of the approximately four
21 depositions with regard to your work as a New
22 York City police officer involve an allegation
23 that the -- an allegation that a subject was not
24 given proper -- just proper medical care?

25 A No.

1 PO D. Peters

2 0 Okay.

3 Or did any of those four --
4 approximately four depositions involving your
5 work as a New York City police officer involve
6 an allegation that the police department did not
7 provide medical care?

8 A No.

9 Q Is there any reason why you are
10 not able to testify truthfully today?

11 A No.

12 Q In preparation for today's
13 deposition did you review any documents?

14 A Yes, I did.

15 Q What did you review?

A I reviewed a use of force report.

17 Q Anything else?

18 A I reviewed a supporting deposition
19 statement that I gave to the Suffolk County
20 Homicide Squad.

21 Q Anything else?

22 A No.

23 Q Did you review a supplementary
24 report that you prepared?

25 A Yes.

PO D. Peters

2 Q Is that the supporting deposition
3 statement you were talking about?

4 A Yes.

Q That's the same thing?

6 A Yes.

7 | Q Okay.

8 Other than your attorney, did you
9 speak with anyone in reference to today's
10 deposition testimony?

11 A Can you clarify the question? In
12 what regard, as far as content or...

13 Q Okay.

14 Other than your attorney, did you
15 speak with anyone about the format or the form
16 of today's deposition testimony?

17 A Yes.

18 Q Who did you spoke to?

19 A I spoke to an attorney
20 yesterday --

21 MS. DEJONG: Other than
22 your attorney. We're all the
23 same, we attorneys.

24 He didn't speak to me

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39 West 37th Street * New York, New York 10018 (800) NYC-FINK * (212) 869-3063

1 PO D. Peters

2 MR. TELESCA: Yeah, okay.

3 Q So let's be clear. I'm talking
4 about anyone -- it could be Ms. DeJong or anyone
5 at her firm, other than that set of people, did
6 you speak with anyone about the form of today's
7 testimony?

8 A Can you clarify "form"?

9 Q I mean how it would work
10 logistically.

11 A No.

12 Q Did you -- other than your
13 attorneys, did you speak with anyone about the
14 substance of the testimony that you may give at
15 today's deposition?

16 A No, I did not.

17 Q Did you speak with -- just to
18 expedite this, I'm going to give you a list of
19 other officers who were involved in the case,
20 and I want to know whether or not you spoke to
21 them about the deposition testimony they have
22 already given in this case, and those officers
23 are Officer Sickles, Officer Cagno, Officer
24 Frankenbach, Officer William Kiernan, Officer
25 Montalbano or Sergeant James Kiernan.

1 PO D. Peters

2 Did you spoke with any of those
3 police officers about the deposition testimony
4 that they have already given in this case?

5 A No, I did not..

6 Q Did you speak with any of those
7 officers about the sum and substance of this
8 lawsuit?

9 A No, I did not.

10 Q Okay.

11 And I mean in preparation for
12 today's testimony.

13 A No, I did not.

14 Q Yesterday I had the opportunity to
15 review the -- I guess it's your personnel file
16 that was provided to us, and I think I recall
17 you graduated from William Floyd High School?

18 A That's correct.

19 Q What year was that?

20 A 1991.

21 Q And did you attend any college
22 after you graduated from William Floyd?

23 A Yes, I did.

24 Q Where did you attend college?

25 A The University of New Haven,

1 PO D. Peters

2 Connecticut.

3 Q And did you attain a degree?

4 A No, I did not.

5 Q How long were you at University of
6 New Haven?

7 A One year.

8 Q And what did you study?

9 A Business administration.

10 Q Did you attend any formal
11 schooling after the University of New Haven?

12 A Yes.

13 Q Where was that?

14 A Suffolk County Community College.

15 Q Okay.

16 And did you obtain a degree?

17 A No.

18 Q How long were you at Suffolk
19 County Community College?

20 A Part time, for two years.

21 Q What did you study?

22 A Criminal justice.

23 Q And did you attend the University
24 of New Haven and Suffolk County Community
25 College immediately following high school?

1 PO D. Peters

2 A Yes.

3 Q Okay.

4 So during the year at University
5 of New Haven and the two years part time at
6 Suffolk County Community College, did you also
7 work?

8 A Yes.

9 Q Okay.

10 At which time?

11 A During the time that I attended
12 the Suffolk County Community College.

13 Q What were you doing?

14 A I was working in a McDonald's
15 restaurant.

16 Q Was that for the entire time that
17 you were attending Suffolk County Community
18 College?

19 A I don't recall.

20 Q Okay.

21 And after you left Suffolk County
22 Community College, did you attend any formal
23 schooling?

24 A Yes, I did.

25 Q Where was that?

1 PO D. Peters

2 A Suffolk County Police Academy.

3 Q And what year did you enter the
4 police academy?

5 A 1994.

6 Q Do you recall the month?

7 A January 4th.

8 Q Okay.

9 And how long were you at the
10 Suffolk County Police Academy?

11 A Approximately six months.

12 Q Was that the time necessary to
13 complete the training?

14 A Yes.

15 Q So you graduated from the police
16 academy?

17 A Yes.

18 Q So that was approximately June of
19 1994?

20 A Approximately.

21 Q And did you start police work
22 after you graduated from the police academy?

23 A Yes, I did.

24 Q Where was that?

25 A Suffolk County Park Police.

1 PO D. Peters

2 Q And how long were you at the
3 Suffolk County Park Police?

4 A Approximately five years.

5 Q So until approximately '99?

6 A 1998.

7 Q Okay, 1998.

8 And how would you describe your
9 job description for the Suffolk County Park
10 Police?

11 A Patrol duties.

12 Q Was it in county parks?

13 A County parks.

14 Q Okay.

15 And where did you work after the
16 Suffolk County Park Police?

17 A New York City Police Department.

18 Q And where were you stationed?

19 A Brooklyn.

20 Q Were you stationed at the same
21 precinct the entire time you were with the NYPD?

22 A No.

23 Q So in Brooklyn, where were you
24 first stationed?

25 A 73rd Precinct.

PO D. Peters

Q Where is that located?

A In Brownsville, New York,
Brownsville, Brooklyn.

Q How long were you at the 73rd
Precinct?

A Approximately 18 months.

Q And when did you leave the NYPD?

A 2003.

10 Q And where were you working out of
11 next after the 73rd Precinct?

A Brooklyn North Task Force.

Q What does that mean?

14 A That's the name of the command
15 that I worked in.

Q Is there a certain precinct or...

17 A No, that's the command, Brooklyn
18 North Task Force.

19 Q Is that as a uniformed police
20 officer?

21 A Yes.

22 Q And where was the Brooklyn North
23 Task Force located?

24 A Bushwick, Brooklyn.

25 Q And did your duties change between

PO D. Peters

2 those at the 73rd Precinct compared to the
3 Brooklyn North Task Force?

4 A No.

5 Q You were essentially performing
6 the same police duties?

7 A Yes.

8 Q And what were those duties?

A Patrol and disorder control.

10 Q When did you leave the Brooklyn
11 North Task Force?

12 A In 2003.

13 Q And in 2003 where did you work?

14 A Southampton Town Police
15 Department.

16 Q So when you left the Brooklyn
17 North Task Force, you came to work out here at
18 Southampton Town Police?

19 A Correct.

20 Q Okay.

As a full-time or part-time
officer for the Town of Southampton police

23 A Full time.

Q And you have been a full-time
officer for the Town of Southampton police since

1 PO D. Peters

2 | 2003?

3 A Yes.

4 Q And has your duties as a Town of
5 Southampton police officer changed since 2003?

6 A No.

7 Q Okay.

8 During the entire time you have
9 been a police officer, beginning with the
10 Suffolk County Park Police, have you ever been
11 suspended?

12 A No.

13 Q And again, during the entire time
14 you have been a police officer; beginning with
15 the Suffolk County Park Police, have you ever
16 been the subject of a disciplinary action?

17 A Yes.

18 Q How many times?

19 A Once.

20 Q And can you describe for me the
21 circumstances under which you were disciplined?

22 MS. DEJONG: Can we know in
23 which department, first?

24 MR. TELESCA: Sorry, sure.

25 Q Can you tell me --

PO D. Peters

A Southampton Town Police
Department.

Q What year was that?

A I don't recall.

Q Can you tell me the circumstances
under which you were disciplined?

A I was disciplined for failing to safeguard police equipment that was stolen out of my personal vehicle.

Q Since you -- well, let me start over.

While attending the Suffolk County Police Academy, other than the -- I'll call it the normal courses that every other cadet takes, did you take any additional specialized courses?

A During my time at the police academy?

Q Yes.

A No.

21 Q How about since you left the
22 Suffolk County Police Academy, have you taken
23 any specialized police work courses?

A Yeah, several.

25 Q Do you know approximately how

PO D. Peters

many?

A (Indicating.)

Q As you are going over them in your head, can you list them for us for the record?

A Yes.

HAZMAT school, breath technician
school, SFST school --

Q And what does that mean?

A Standardized Field Sobriety
Testing school.

-- radar laser school, ARIDE
school.

Q ARIDE?

A A-R-I-D-E, one word.

Q What is that?

A That's Advanced Roadside Drug Impairment [sic] school.

Q Any others that you can remember today?

A No.

Q But there may be others? I just
want to make sure this is not an exhaustive
list. There may be others that --

A There could be.

1 PO D. Peters

2 Q -- you can't think of?

3 A Correct.

4 Q Okay.

5 The Advanced Roadside Drug
6 Impairment -- was it a school?

7 A Correct.

8 Q And where was that?

9 A That was at the Quogue Village
10 Police Department headquarters.

11 Q Was that a class that you obtained
12 some sort of certificate?

13 A That's correct.

14 Q When did you attend that class?

15 A Approximately two years ago, in
16 2008 -- 2008 or 2009.

17 Q And what did you learn about in
18 the ARIDE class?

19 A The seven drug classifications and
20 their physiological effects on the human body as
21 it pertains to driving and DWI enforcement.

22 Q Okay.

23 So as an example, it would teach
24 you how alcohol could impair your ability to
25 drive?

1 PO D. Peters

2 A Not alcohol, no. Drugs.

3 Q So it would be cocaine, marijuana?

4 A Correct.

5 Q Any other drugs?

6 A Any prescription drug --

7 Q Okay.

8 A -- as in addition to any illicit
9 drug.

10 Q Okay.

11 Did any of the training that you
12 have had as a police officer, including the
13 training you received at the police academy or
14 any of the specialized courses you took, include
15 how to determine whether to transport an
16 arrested subject to the hospital if they are in
17 need of -- or if they appear to be in need of
18 medical care?

19 MS. DEJONG: Do you
20 understand the question?

21 THE WITNESS: No, I don't.

22 MS. DEJONG: Could you
23 rephrase it?

24 MR. TELESCA: Sure.

25 Q Did any of the training that you

1 PO D. Peters

2 received as a police officer, whether it was in
3 the price academy or after in any specialized
4 courses, include when to transport an arrestee
5 to headquarters as opposed to directly to the
6 hospital?

7 A Would that be medical training or
8 training in department guidelines as far as...

9 Q Well, either/or. I guess we can
10 start with medical training.

11 A No medical training.

12 Q How about training within police
13 department guidelines?

14 A Yes.

15 Q How would you describe that
16 training?

17 A Inservice training,
18 familiarization with the department rules and
19 procedures.

20 Q So if you arrest a certain subject
21 and they appear to be injured or sick, is it
22 your understanding that you are to seek medical
23 attention for them?

24 A Yes.

25 Q Okay.

PO D. Peters

And in the course of your police work, beginning with the Suffolk County Park Police, have you ever had occasion to transport an arrested person directly to the hospital or for immediate medical care as opposed to headquarters?

A. Can you clarify which department we're talking about? You said during my time with the Suffolk County --

Q No, at any time during the course
of your police work, beginning with the Suffolk
County Park Police to the present, have you ever
had occasion, or has it ever happened where you
transported an arrested person directly to the
hospital or for medical care at some facility
other than to headquarters?

A Yes.

Q How many times?

A Maybe once.

Q Okay.

Do you have a specific
recollection of that time?

A Just a vague recollection.

Q Okay.

1 PO D. Peters

2 Was that person taken directly to
3 the hospital?

4 A Yes.

5 Q And when was this?

6 A I don't recall. I don't remember
7 what year.

8 Q Were you a Town of Southampton
9 police officer?

10 A Yes, I was.

11 Q Do you recall what hospital you
12 went to?

13 A I believe it was Southampton
14 Hospital.

15 Q Do you recall the injury, or the
16 reason why you took the person to the hospital?

17 A I believe that the person had
18 facial lacerations.

19 Q Were they in some sort of
20 altercation?

21 A They were involved in a motor
22 vehicle accident.

23 Q Okay.

24 Now, was the -- was that person
25 arrested or just involved in an accident?

1 PO D. Peters

2 A The person was arrested.

3 Q Do you recall what they were
4 arrested for?

5 A Driving while intoxicated.

6 Q Before you reviewed the use of
7 force report and what I call the supplementary
8 report, did you have an independent recollection
9 of the arrest of Tony Bradway?

10 A Yes.

11 Q Okay.

12 Do you recall where Mr. Bradway
13 was arrested?

14 A Yes.

15 Q Do you know that today, the
16 address?

17 A Yes.

18 Q What is that address?

19 A I believe it's 18 Greenfield Road
20 in Southampton.

21 Q And were you the arresting
22 officer?

23 A No, I was not.

24 Q Do you know who was?

25 A I believe Officer Sickles was the

1 PO D. Peters

2 officer of record.

3 Q But you are not a hundred percent
4 sure? Just so that the record is clear.

5 A No, I am not.

6 Q Okay.

7 Do you recall why you personally
8 were at the 18 Greenfield Road residence on the
9 date Tony Bradway was arrested?

10 A Yes.

11 Q Why was that?

12 A The patrol area that is in the
13 confines of 18 Greenfield Road is my normal
14 patrol sector that I happened to be working. I
15 was on routine patrol in the confines of that
16 sector where 18 Greenfield Road is. I overheard
17 the Street Crime Unit go over the radio and
18 advise headquarters that they were out at that
19 location conducting an investigation and that
20 they had a subject in custody under arrest.

21 Q Was that subject Tony Bradway?

22 A Yes.

23 Q Okay.

24 But you came to find that out,
25 obviously, later?

1 PO D. Peters

2 A Correct.

3 Q When you first heard it over the
4 radio, you didn't know who it was?

5 A Correct.

6 Q Okay.

7 And as a result of hearing that
8 over the radio you went to 18 Greenfield Road to
9 assist?

10 A Correct.

11 Q And do you recall approximately
12 what time you arrived at 18 Greenfield Road?

13 A Approximately 10:15 in the
14 morning.

15 Q Okay.

16 When you arrived -- do you recall
17 the date?

18 A I believe it was June 9th.

19 Q Is that from reading your report
20 you refreshed your recollection?

21 A Yes.

22 Q And when you arrived at 18
23 Greenfield Road on June 9th at approximately
24 10:15 a.m., do you recall what other police
25 officers were already there?

1 PO D. Peters

2 A Yes.

3 Q Who were they?

4 A Officer Sickles and Officer Cagno.

5 Q Any other officers?

6 A None that I saw.

7 Q Okay.

8 And at any time that you were at
9 the residence on June 9th, did any other
10 officers arrive after you?

11 A Yes.

12 Q Okay.

13 Who was that?

14 A I believe Officer William Kiernan
15 and Officer Montalbano.

16 Q Did you ever see Officer
17 Frankenbach at 18 Greenfield Road on June 9th?

18 A No, not that I recall.

19 Q When you arrived at the residence
20 on the morning of June 9th -- can you describe
21 for me the residence?

22 A Two-story house set back from a
23 gravel or non-paved driveway.

24 Q And when you arrived at the
25 residence on June 9th in the morning, did you

1 PO D. Peters

2 enter the residence?

3 A Yes, I did.

4 Q Why did you enter the residence?

5 A To offer assistance to the
6 officers that were inside the residence.

7 Q Was it Officer Sickles and Cagno
8 who were already inside?

9 A Yes.

10 Q Okay.

11 How did you enter the residence?

12 A I walked through the front door.

13 Q Okay.

14 And where did you go once you
15 entered the front door?

16 A I stayed right in that first room,
17 which is the dining room, or common area.

18 Q Okay.

19 And other than officer -- were
20 Officers Sickles and Cagno also in that dining
21 area?

22 A Yes.

23 Q Was anybody else in the dining
24 area?

25 A Yes.

1 PO D. Peters

2 Q Who else was?

3 A There was a female subject that
4 was unknown to me at one end of the room and
5 there was Mr. Bradway behind a dining room table
6 sitting down at the other end of the room.

7 Q Okay.

8 Had you met Mr. Bradway before?

9 A Yes, I did.

10 Q Where?

11 A I had arrested him previously.

12 Q Okay.

13 So before the June 9th incident,
14 you had met him once before?

15 A Correct.

16 Q And you arrested him?

17 A Correct.

18 Q And was that as a police officer
19 for the Town of Southampton or at some other
20 time?

21 A For the Town of Southampton.

22 Q Do you recall when you arrested
23 him?

24 A I believe approximately three
25 years prior to that date.

1 PO D. Peters

2 Q And do you recall what he was
3 arrested for?

4 A Yes.

5 Q What was that?

6 A Felony criminal possession of a
7 controlled substance.

8 Q And do you recall what the actual
9 substance was?

10 A It was crack cocaine.

11 Q Okay.

12 Did Mr. Bradway recognize you, if
13 you know?

14 A I don't know.

15 Q When you walked into the room, you
16 obviously saw Mr. Bradway and recognized him;
17 correct?

18 A Not at first, but after a few
19 moments of looking at him, I recognized that he
20 was known to me because of where he had stated
21 he lived when I had arrested him prior.

22 MR. TELESCA: Can you read
23 that answer back, please. I
24 didn't get it.

25 (The requested portion of

1 PO D. Peters

2 the record was read by the court
3 reporter.)

4 Q So he was sitting at the dining
5 room table; correct?

6 A Correct.

7 Q While he was sitting there, he
8 stated his address?

9 A No.

10 Q Okay, so I'm not understanding,
11 then, what you mean by you recognized him
12 through his address.

13 A I recognized his face as someone I
14 had arrested before. The way I had recognized
15 him was because where he stated he had lived
16 before he lived in Southampton.

17 Q And he stated that while he was in
18 the dining room?

19 A No, while he was in custody on the
20 reason he was arrested three years prior to
21 that.

22 Q So when did he state where he had
23 lived?

24 A When I arrested him.

25 Q Oh, you mean three years prior?

1 PO D. Peters

2 A Correct.

3 Q Okay, I understand. Okay.

4 So, when you walked into the home
5 into the -- I guess it's the common dining area
6 you described, can you describe the scene for
7 me?

8 A It was the officers in the dining
9 area, there were several doors to different, I
10 would assume, rooms -- I never went in them --
11 in this common area, and an archway leading into
12 another living area, and there was just a dining
13 room table, or kitchen table, with several
14 chairs.

15 There was a woman at one end of
16 the room, who was seated and handcuffed, and
17 then Mr. Bradway at the other end seated at the
18 other end of the dining room table, who was
19 seated and handcuffed.

20 Q Was the woman handcuffed?

21 A She was handcuffed.

22 Q Can you describe approximately how
23 big the room was?

24 A I have no idea.

25 Q How about the kitchen or dining

1 PO D. Peters

2 room table, can you tell me how big it was?

3 A No.

4 Q Was it similar to this table here
5 (indicating)?

6 A I don't recall.

7 Q Upon entering the room, did you
8 say something to somebody or did somebody say
9 something to you, did you initiate any kind of
10 conversation with either Officers Sickles or
11 Cagno or any of the arrestees?

12 A Yes, I did.

13 Q Okay, with whom?

14 A With Officer Sickles.

15 Q What did you say to him?

16 A I asked him if he was under
17 control -- if the situation was under control,
18 and if there was anything that he needed from
19 me.

20 Q And what did he say to you?

21 A He said he had a subject who
22 was -- he had Mr. Bradway in custody and under
23 arrest for possession of a controlled substance.

24 Q And what happened next?

25 A At that point in time, I looked at

1 PO D. Peters

2 Mr. Bradway, at the time, and he looked at me,
3 and after several seconds of looking at him, I
4 recognized him as someone I had arrested, and I
5 asked Mr. Bradway, "Did you ever live in
6 Brooklyn?" And his response to that was, "Yes."

7 Q And what did you say to him after
8 that, if anything?

9 A I said, "Are you the same person I
10 arrested three years ago that lived in Brooklyn?
11 You look familiar." And he said, "Yes."

12 Q And what did you say next, if
13 anything?

14 A I didn't say anything.

15 Q What happened then next, after he
16 said that he was the same person that you
17 arrested three years ago?

18 A I informed Officer Sickles of the
19 identity of that person.

20 Q So you told Officer Sickles, "This
21 is Tony Bradway"?

22 A Correct.

23 Q And what did Officer Sickles say
24 in response, if you can recall?

25 A I don't believe he said anything.

1 PO D. Peters

2 Q Okay.

3 Up until that point, did you speak
4 with Officer Cagno?

5 A No.

6 Q But he was in the room?

7 A Yes.

8 MR. TELESCA: Okay, I'll
9 mark this Plaintiff's 24.

10 (Plaintiff's Exhibit 24,

11 Supplementary Report, was marked
12 for identification, as of this
13 date.)

14 Q Officer Peters, I'm going to show
15 you what's been marked as Plaintiff's Exhibit 24
16 (handing).

17 Do you recognize that document?

18 A (Witness peruses document.)

19 Yes, I do.

20 Q For the record, can you tell us
21 what it is?

22 A This is a Town of Southampton
23 Police Department supplementary report.

24 Q Now, this is the document you
25 reviewed prior to your deposition; correct?

1 PO D. Peters

2 A Correct.

3 Q And it states that the date of the
4 report was June 26, 2008; correct?

5 A Yes.

6 Q Okay.

7 And the incident, according to
8 your report, took place, as you stated, June 9,
9 2008; correct?

10 A Correct.

11 Q And it states that you arrived --
12 or that actually around 10:15 you responded to
13 18 Greenfield Road; correct?

14 A Correct.

15 Q Now, does that mean that you
16 arrived at that point or that's when you
17 determined that you would go there? I'm just
18 trying to get a sense of the timeline.

19 A That's the time that I was there.

20 Q Okay.

21 And if you look maybe a third of
22 the way down, it says "The undersigned
23 recognized the black male as one Tony Bradway of
24 Brooklyn from a prior incident and informed PO
25 Sickles and PO Cagno of same."

1 PO D. Peters

2 Do you see that?

3 A Yes.

4 Q That's the point that we're at now
5 in your testimony, that you advised Officer
6 Sickles that you had arrested Bradway, and, in
7 fact, Bradway didn't deny that you had arrested
8 him before; correct?

9 A Correct.

10 Q Okay.

11 Now, your report then states
12 that -- "Upon closer examination of defendant
13 Tony Bradway, it was observed by the undersigned
14 and the other officers that defendant appeared
15 to be chewing on something in his mouth after he
16 was directed to pick up his head."

17 Do you see that?

18 A Yes.

19 Q So at the time you entered the
20 room, was Mr. Bradway's head down?

21 A No.

22 Q Okay.

23 So it was after you had your
24 exchange with him that he lowered his head?

25 A At that point in time, I don't

1 PO D. Peters

2 | know.

3 Q Okay.

4 But at some point in time,
5 somebody said to him that he should pick up his
6 head?

7 A Correct.

8 Q Do you recall who that was?

9 A No, I don't.

10 Q Did you -- on June 9, 2008 when
11 you were in the room, did you witness
12 Mr. Bradway chewing on something?

13 A Yes.

14 Q Okay.

15 And not today, but at the time,
16 did you know what he was chewing on?

17 A At the time he was chewing on it?

18 Q Yes.

19 A I had a suspicion that it was
20 crack cocaine.

21 Q Why did you have a suspicion that
22 it was crack cocaine?

23 A Because there was residue coming
24 down his chin of the substance he was chewing
25 on.

1 PO D. Peters

2 Q Okay.

3 Now, when you entered the room,
4 was he chewing on anything?

5 A No.

6 Q So he began to chew on it after
7 you entered the room?

8 A Correct.

9 Q Do you know where the substance
10 came from?

11 A No.

12 Q Okay.

13 Did you, at any time, ever discuss
14 with Officers Sickles and Cagno where the
15 substance in Mr. Bradway's mouth came from?

16 A No.

17 Q Okay.

18 If you go down, I guess it's
19 another two sentences in your report, it states
20 "PO Sickles commanded Mr. Bradway to spit out
21 whatever he was chewing on several times, in
22 which the defendant failed to comply, chewing
23 even faster."

24 Now, did you actually witness him
25 start to chew faster?

1 PO D. Peters

2 A Yes.

3 Q And then your report continues on,
4 "At that time PO Sickles deployed a handheld
5 Taser and commanded Mr. Bradway to spit out
6 whatever he was ingesting and warned him that if
7 he didn't, he was going to be tased."

8 Do you see that?

9 A Yes.

10 Q Did you, in fact, witness
11 Mr. Bradway ingest what he was chewing on?

12 A Yes. As he was chewing on it, he
13 was ingesting something.

14 Q Did Mr. Bradway comply with the
15 demands of Officer Sickles to spit out whatever
16 he was chewing on before the Taser was deployed?

17 A No.

18 Q Did you witness Officer Sickles
19 tase Mr. Bradway?

20 A Yes, I did.

21 Q How many times did he do it?

22 A I believe he tased him twice.

23 Q Do you recall where he tased him?

24 A On the right torso.

25 Q And after Mr. Bradway was tased

1 PO D. Peters

2 the first time, did he comply at all with the
3 direction to spit out whatever he was chewing?

4 A No, I don't believe he did.

5 Q How about the second time he was
6 tased, did he comply with the direction to spit
7 out whatever he was chewing on?

8 A I believe at that point he did
9 spit out a plastic bag onto the table.

10 Q The bag that he spit out, did it
11 contain any substance?

12 A Yes.

13 Q Did he -- together with the bag,
14 did he actually spit out some sort of substance
15 as well?

16 A Oh, that, I don't recall..

17 Q Okay.

18 Now, the next -- if you go down
19 maybe another sentence after where we are, it
20 says "PO Sickles informed the defendant that he
21 would have to remove him to the hospital for his
22 own safety due to swallowing cocaine."

23 Do you see that?

24 A Yes.

25 Q Did you hear Police Officer

1 PO D. Peters

2 Sickles state to Mr. Bradway that Mr. Bradway
3 would have to be taken to the hospital?

4 A Yes.

5 Q And do you recall the exact --
6 exactly what Officer Sickles said to
7 Mr. Bradway?

8 A No, I don't.

9 Q Again, not today or any time after
10 June 9th, but while you were in the dining area
11 on June 9th with Officer Sickles, Cagno, the
12 female and Mr. Bradway, did you have any idea or
13 indication how much of the substance Mr. Bradway
14 had swallowed?

15 A Can you repeat the question?

16 Q Okay.

17 I'm trying to get a sense of
18 whether or not at the time you were in the room
19 with Mr. Bradway and the other officers and the
20 female, if you had any idea of how much of the
21 substance Mr. Bradway actually swallowed.

22 A Yes.

23 Q How much?

24 A Mr. Bradway stated "just a little
25 bit."

1 PO D. Peters

2 Q Okay.

3 Do you know how much that means,
4 "just a little bit"? You know, if you know, you
5 know.

6 A I don't recall the exact amount.
7 I believe he did state "I had just a little bit.
8 Maybe a gram or two."

9 Q Okay.

10 That's what your recollection is
11 today?

12 A Correct.

13 Q Okay.

14 At the time you heard Mr. Bradway
15 say he had ingested "a little bit, maybe a gram
16 or two," what was your reaction to the amount he
17 had ingested?

18 A I didn't say anything to him at
19 that point.

20 Q Did it occur to you at that point
21 that a gram or two was a significant amount or
22 not a significant amount?

23 A According to what he stated to me,
24 I did not think that a gram or two was a
25 significant amount, because at the time he did

1 PO D. Peters

2 state, "I've swallowed a lot more than that. I
3 just wanted to get high before you take me back
4 to jail. I'm fine, and I don't want to go to
5 the hospital."

6 Q So when he stated that to you,
7 your response was not that oh, we should take
8 him to the hospital -- or he seemed to be okay?

9 A Correct.

10 Q Okay.

11 And was Mr. Bradway acting in a
12 threatening manner at all during this time?

13 A No.

14 Q Okay.

15 A Other than the fact that he was
16 not complying with direct orders, up until that
17 point, he was not threatening.

18 Q Okay.

19 So after Mr. Bradway was tased a
20 second time and complied with Officer Sickles'
21 orders to spit out what was in his mouth, the
22 bag and some substance, what happened next?

23 A At that point in time I had left
24 the house to go back to my police car to
25 retrieve an evidence bag to secure the substance

1 PO D. Peters

2 that was in that plastic bag that he spit out.

3 Q Okay, so you obviously had to go
4 outside the house?

5 A Yes.

6 Q So when you went out, were there
7 any police officers outside?

8 A I don't recall if there were any
9 outside.

10 Q Were there any non-police
11 officers, civilians outside?

12 A I don't recall.

13 Q Okay.

14 Between the time you left the
15 dining room area and you went out to the car to
16 get the evidence bag, did you speak to anyone?

17 A I don't believe so.

18 Q And you actually did get the
19 evidence bag?

20 A I did.

21 Q And you brought the evidence bag
22 back into the house; correct?

23 A Yes.

24 Q During that time that you went out
25 to the car, got the evidence bag and came back,

PO D. Peters

did you speak to anyone?

A I don't believe so

Q And when you went back into the house, did you go back to the dining room area?

A Yes.

Q What did you do once you got the evidence bag?

A I gave it to Officer Sickles

Q And do you know what he did with it?

A I believe that he secured the evidence that Mr. Bradway spit out of his mouth into the evidence bag.

Q Did you actually witness him do that?

A I don't recall if I did or not

Q Okay.

And how long were you in the dining area after you came back with the evidence bag?

A Until I left the house again? Is
that the question?

0 Right

A Several minutes I don't recall

1 PO D. Peters

2 Q Okay.

3 So after you gave the evidence bag
4 to Officer Sickles, what did you do next?

5 A I just stayed in the dining room.

6 Q Until Mr. Bradway or the female
7 was taken out of the dining area?

8 A Yes.

9 Q And how long -- who was taken out
10 of the room first, Mr. Bradway or the female?

11 A I don't recall.

12 Q Okay.

13 And do you recall about how long
14 you came back with the evidence bag that either
15 one -- either the female or Mr. Bradway was
16 taken out of the dining area?

17 A I don't recall.

18 Q Do you recall who escorted the
19 female out of the dining area?

20 A No.

21 Q Do you know who -- do you know
22 what happened to the female after she left the
23 dining area?

24 A No.

25 Q Do you know whether or not she was

1 PO D. Peters

2 taken to headquarters?

3 A No.

4 Q How about Mr. Bradway, do you know
5 what happened to him after he left the dining
6 area?

7 A Yes.

8 Q Okay.

9 And where did he go next?

10 A I believe he was arrested and
11 taken into custody and transported to the police
12 department headquarters.

13 Q Do you know who transported him to
14 headquarters?

15 A No.

16 Q Do you know who escorted
17 Mr. Bradway from the home to the police cruiser?

18 A No.

19 Q Okay.

20 Did you witness that?

21 A No.

22 Q So were you still in the house
23 while Mr. Bradway was being taken out of the
24 house?

25 A No. No, I believe I walked out,

1 PO D. Peters

2 but I don't recall who the transporting officer
3 was.

4 Q Is it your recollection that you
5 left the house before Mr. Bradway?

6 A I don't recall.

7 Q Okay.

8 Up until the last time you saw
9 Mr. Bradway at the house, did he exhibit any
10 signs of distress?

11 A No.

12 Q During the course of your training
13 as a police officer, beginning, again, at the
14 police academy up until present, are there
15 certain protocols or steps you should follow
16 after you witness a subject ingesting what you
17 believe may be a narcotic?

18 A Unknown. I don't know if there
19 are any specific regulations as far as the
20 immediate consumption of narcotics.

21 Q Okay.

22 During the time you were at 18
23 Greenfield Road on June 9, 2008 did you hear any
24 other officer state to anyone that Mr. Bradway
25 needed to be taken to the hospital?

1 PO D. Peters

2 A Just repeat that?

3 Q Okay, let me take a step back.

4 You did state that Officer Sickles
5 said to Bradway that he needed to go to the
6 hospital; correct?

7 A Yes.

8 Q Okay.

9 While you were at the 18
10 Greenfield Road residence, did you have any
11 conversations with any of the other police
12 officers concerning whether or not Mr. Bradway
13 should be taken directly to the hospital or to
14 headquarters?

15 A No.

16 Q After June 9, 2008 -- let me take
17 that back.

18 Do you recall what time you left
19 18 Greenfield Road on June 9, 2008?

20 A No.

21 Q After you -- if this is confusing,
22 please let me know, but what I'm trying to
23 understand is you went out to get the evidence
24 bag, obviously, and came back in the house, and
25 then at some point, obviously, you left the

PO D. Peters

house and left the property to go somewhere else.

A Correct.

Q Do you recall where that was?

A To resume my patrol duties.

Q After you resumed your patrol duties, at any time did you ever go back to 18 Greenfield Road?

A No.

Q Up until today have you ever been back there?

A I don't recall.

Q Okay.

Did you ever speak to anyone -- other than police officers -- any civilians, who were at the 18 Greenfield Road residence on June 9, 2008?

A No.

Q At the time that you arrived at 18
Greenfield Road, did you know why Officers
Sickles and Cagno were there?

A No.

Q Do you know today?

A All that I know is that they were

1 PO D. Peters

2 conducting an investigation.

3 Q Do you know what kind of
4 investigation?

5 A No.

6 Q You were never privy to that
7 information, is that what you are saying?

8 A Yes.

9 MR. TELESCA: Okay, I don't
10 have anything further.

11 (Time noted: 12:06 p.m.)

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25

A C K N O W L E D G M E N T

STATE OF NEW YORK)

:ss

COUNTY OF)

8 I, POLICE OFFICER DAVID PETERS, hereby
9 certify that I have read the transcript of my
10 testimony taken under oath in my deposition of
11 May 27, 2010; that the transcript is a true and
12 complete record of my testimony, and that the
13 answers on the record as given by me are true
14 and correct.

POLICE OFFICER DAVID PETERS

19 | Signed and subscribed to before me this

20 _____ day of _____, 2010.

23 Notary Public, State of New York

1
2 INDEX TO TESTIMONY
3

4 WITNESS	5 EXAMINATION BY	6 PAGE
7 David Peters	8 Mr. Telesca	9 4

10 INDEX TO EXHIBITS
11

12 PLAINTIFF'S 13 EXHIBITS	14 DESCRIPTION	15 PAGE
16 24	17 Supplementary Report	18 38

ERRATA SHEET FOR THE TRANSCRIPT OF:
Case Name: Bradway v. Town of Southampton, Et Al
Deposition Date: May 27, 2010
Deponent: Police Officer David Peters
Place: 110 Old Riverhead Road
Hampton Bays, New York

CORRECTIONS

Date _____ Signatur _____

Subscribed and sworn to before me
this day of 2010.

(NOTARY PUBLIC)

1
2 C E R T I F I C A T E
3
45 I, LORI ANNE CURTIS, a Notary Public in
6 and for the State of New York, do hereby
7 certify:8 THAT the witness(es) whose testimony is
9 hereinbefore set forth, was duly sworn by me;
10 and11 THAT the within transcript is a true
12 record of the testimony given by said
13 witness(es).14 I further certify that I am not related,
15 either by blood or marriage, to any of the
16 parties in this action; and17 THAT I am in no way interested in the
18 outcome of this matter.19 IN WITNESS WHEREOF, I have hereunto set
20 my hand this 7th day of June, 2010.21
22 *Lori Anne Curtis*

23 LORI ANNE CURTIS

